

ORIGINAL

FILED

January 12 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0661

STATE OF MONTANA,

Plaintiff and Appellee,

v.

SAMUEL AARON BELANGER,

Defendant and Appellant.

FILED

JAN 12 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

**NOTICE REGARDING DISTRICT COURT'S
APPOINTMENT OF APPELLATE DEFENDER OFFICE
AND REQUEST FOR CLARIFICATION**

Undersigned counsel wishes to inform this Court that Defendant and Appellant, Samuel Aaron Belanger (Belanger), filed a Motion for Appointment of Counsel on November 14, 2009, in the Twentieth Judicial District Court, Sanders County. (*See attached Ex.*) This motion indicates that Belanger requests an appellate defender. In this motion, Belanger also notes that he filed a notice of appeal with this Court. Undersigned counsel has confirmed that a notice was filed with the Montana Supreme Court Clerk's Office on December 11, 2009, and the records in the Clerk's Office indicate Belanger is proceeding *pro se*.

On December 15, 2009, Judge Christopher granted Belanger's motion, noting in handwritten form the following: "Granted if appropriate – Please

forward to the OPD for their review as to appoint counsel.” (See attached Ex.)

Belanger’s documents were then faxed to the ADO.

Upon review of those documents, it is unclear whether Belanger desires the ADO to represent him on his appeal. Belanger has not filed a motion with this Court asking for appointment of counsel. Also, the Order upon which Belanger is appealing is one that resulted from motions he filed *pro se*.

Undersigned counsel wanted this Court to be aware of the district court’s appointment of the Office of the State Public Defender on appeal. If this Court desires the ADO to represent Belanger on his appeal, undersigned counsel will do so upon review of Belanger’s indigency status and upon Order from this Court. Until such Order, however, the ADO does not currently represent Belanger on his appeal. Again, he is proceeding *pro se*.

Belanger will be served with this notice. Belanger should be given an opportunity to indicate whether he desires the ADO to represent him, unless this Court believes such appointment is not applicable since the Order upon which he is appealing is the result of a motion he filed *pro se* and/or because the request for appointment of appellate counsel was submitted before the district court and has never been filed with this Court.

Respectfully submitted this 12th day of January, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER
Appellate Defender Office
139 N. Last Chance Gulch
P.O. Box 200145
Helena, MT 59620-0145

By: Joslyn Hunt
JOSLYN HUNT
Chief Appellate Defender

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Notice Regarding District Court's Appointment of Appellate Defender Office to be
mailed to:


STEVE BULLOCK
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
P.O. Box 201401
Helena, MT 59620-1401

SAMUEL BELANGER 2060357
Great Falls Regional Prison
3800 Ulm North Frontage Road
Great Falls, MT 59404

HON. DEBORAH KIM CHRISTOPHER
District Court Judge
106 Fourth Avenue East
Polson, MT 59860

DATED: 1/12/2010 Sarah J. Braden

Samuel Aaron Belanger, Pro Se
A.O. 2060357
700 Conley Lake Road
Deer Lodge, MT 59722

FILED Dec. 11 2009
Dianne F. Rummel
COUNTY CLERK OF COURT
BY 
DEPUTY

MONTANA TWENTITH JUDICIAL DISTRICT COURT, SANDERS COUNTY

STATE OF MONTANA,
Plaintiff,

CAUSE NO: DC-04-61

vs.

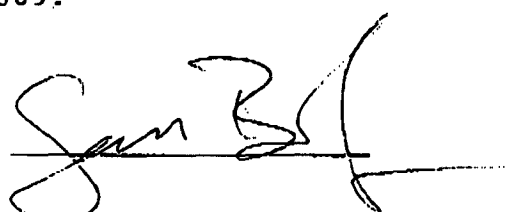
Motion for Appointment of
Counsel

SAMUEL AARON BELANGER,
Defendant.

D. KIM CHRISTOPHER

I am hereby requesting the appointment of an appellant defender. I, the defendant have file a Notice of Appeal with the Montana Supreme Court. The Defendant does not have the means nor the ability to represent himself on appeal in this matter. This is an appeal of the decision and order filed by this Court on the 22nd day of October, 2009.

Dated this 14th day of November, 2009.



Certificate of service

I hereby certify that I caused a true and correct copy of the foregoin Motion for Appointment of Counsel to be mailed to:

The Honorable Kim Kristopher
District Court Judge
106 Fourth Ave.
Polson, MT 59860

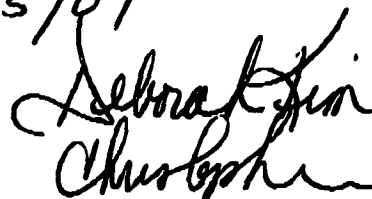
Coleen Magrea
Sanders County Attorney
P.O. Box 519
Thompson Falls, MT 59873

12/15/09

Granted if appropriate

Please forward to the OPA
for their review as to
appoint of counsel.

12/15/09



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